

Please Direct All Correspondence to Customer Number **20995**

**NOTICE OF APPEAL****FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

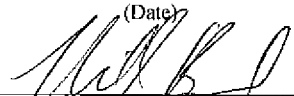
Applicant : Thagard, et al.  
App. No : 10/772,049  
Filed : February 4, 2004  
For : MODIFIED ASPHALTIC FOAM  
MATERIALS  
Examiner : Cooney, J.  
Art Unit : 1711

**CERTIFICATE OF EFS WEB  
TRANSMISSION**

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

May 4, 2007

(Date)

  
Neil S. Bartfeld, Reg. No. 39,901**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated February 5, 2007 finally rejecting Claims 1-30. Applicant submits herewith a Pre-Appeal Request for Review.

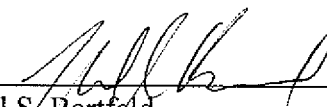
The present application qualifies for Small Entity Status under 37 CFR 1.27.

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Notice of Appeal	41.20(b)(1)	2401 (\$250)		\$250
			<b>TOTAL FEE DUE</b>	<b>\$250</b>

(X) The amount of \$250 will be paid via EFS Web.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Dated: May 4, 2007

  
Neil S. Bartfeld  
Registration No. 39,901  
Agent of Record  
Customer No. 20,995  
(619) 235-8550